



Federal Communications Commission  
Washington, D.C. 20554

September 9, 2011

Elise M. Stubbe, Esq.  
Hardy, Carey, Chautin and Balkin, LLP  
1080 West Causeway Approach  
Mandeville, LA 70471

Re: WHKY-TV, Hickory, NC  
File No. BMPCDT-20090310ADE  
Request for Tolling  
Facility ID 65919

Dear Counsel:

This concerns your September 7, 2011 letter, filed on behalf of Long Communications, LLC (Long) requesting that the expiration date for the distributed transmission system (DTS) construction permit (File No. BMPCDT-20090310ADE) for WHKY-TV, Hickory, North Carolina (station) be tolled. For the reasons set forth below, we grant your request and the toll the expiration date of the station's digital construction permit.

The subject DTS construction permit expires on September 16, 2011. However, you state that Long qualifies for tolling under Section 73.3598(b)(1) of the rules because an "act of God" has delayed construction of the new facilities. You note that construction was recently-delayed for 12 days due to Hurricane Irene that crossed over the station's tower site, preventing work by an installation crew. You note that all the necessary equipment is on site and, upon learning of the delay you immediately secured a second crew to complete construction. Based upon these facts, you request that the DTS construction permit expiration date be tolled for 12 days to September 28, 2011.

On June 13, 2009, the Commission began applying the tolling provisions of Section 73.3598 of the rules to DTV construction deadlines occurring after June 12, 2009. *See Implementation of DTV Delay Act, Second Report and Order and Order and Notice of Proposed Rulemaking*, 24 FCC Rcd 77 (2009). Section 73.3598(b) of the rules provides that a construction permit deadline may be tolled under specific circumstances such as acts of God or delays due to administrative or judicial review. Because construction of the station's DTS facilities were delayed by Hurricane Irene, we find that Long qualifies for tolling under 73.3598(b)(1) of the rules. Further, we believe the public interest will be served by tolling the station's construction deadline for 12 days.

The above facts considered, Long's tolling request IS GRANTED and the construction deadline for DTS construction permit BMPCDT-20090310ADE for WHKY-TV, Hickory, North Carolina, IS TOLLED until September 28, 2011.

Sincerely,

A handwritten signature in blue ink, appearing to read "B A K", is written over the typed name.

Barbara A. Kreisman, Chief  
Video Division  
Media Bureau